IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO.2616 OF 2005

Shri Shailesh D. Tamboli & ors. Petitioners

Vs.

Smt.Ritika Shailesh Tamboli & anr. Respondents

Mr.Jaydeep N. Pawar for petitioners.

Mrs.A.S.Pai, APP for State.

CORAM: B.H.MARLAPALLE & SMT.R.S.DALVI,JJ.

February 02, 2006.

P.C.

. The marriage between the petitioner no.1 and the respondent no.1 has been dissolved as per the dissolution deed dated 24-11-2004. The said dissolution deed also has been registered on the same day by both the parties.

. We are informed that the complaint Case No.1550 of 2004 was filed before the Chief Judicial Magistrate Barasat, West Bengal by the respondent no.1 and it appears that the present petitioners are impleaded as accused persons in the said complaint.

The learned counsel for the petitioners states that the learned Chief Judicial Magistrate at Barasat has issued process against the petitioners. This petition prays for quashing Criminal Case No.1550 of 2004.

. At the first instance the petitioners will have to take recourse to the remedy available under Section 397 of Cr.P.C. by filing a revision application before the competent Sessions Court and the decision of the Supreme Court in the case of Navinchandra Majithia v. State of Maharashtra (**AIR 2000 SC 2966**) would not assist the petitioners in the present case inasmuch as the issue in the said petition was the quashing of the FIR. Their Lordships held that if the FIR filed prima facie disclosed the commission of offences within the territorial jurisdiction of this Court, the writ petition moved to quash the FIR was required to be entertained and it could not have been dismissed on the ground of lack of territorial jurisdiction. Such is not the case in the petition before us. The petitioners will have to move before the proper Sessions Court with a revision application and, the inherent powers under Section 482 of Cr.P.C. can be

exercised by this Court to quash the process issued by a Court subordinate and not a Court located outside the territorial jurisdiction. Hence, the petition is rejected as not maintainable.

. Certified copy is expedited.

(SMT.R.S.DALVI,J.) (B.H.MARLAPALLE,J.)